

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH**

BRIAN EASON,

Plaintiff, ) No. 15CV28990

v.

) **SUMMONS**

ELMER'S RESTAURANTS, INC., an Oregon corporation, )  
ELMER'S FRANCHISE SYSTEMS, INC., an Oregon )  
corporation, KARSAN, INC., a Washington corporation, )  
and SANDRA LEWIS, an individual, )

Defendants. )

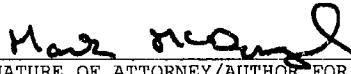
To: Defendant Karsan, Inc., c/o LPSL Corporate Services, Inc.,  
1420 Fifth Avenue, Suite 4200, Seattle WA 98101-2375.

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

**NOTICE TO DEFENDANT: READ THESE  
PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff. If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 in Portland metropolitan area or toll free elsewhere in Oregon at (800) 453-7636.

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

  
SIGNATURE OF ATTORNEY/AUTHOR FOR PLAINTIFF

Mark McDougal, OSB No. 890869  
ATTORNEY'S/AUTHOR'S NAME and BAR NO.  
Kafoury & McDougal  
411 SW 2nd Ave, Ste 200  
Portland OR 97204 (503) 224-2647

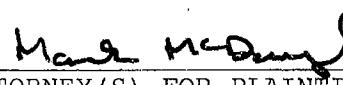
  
ATTORNEY(S) FOR PLAINTIFF(S)

EXHIBIT 1

RECEIVED  
Process NOV 13 2015  
Service LANE POWELL PC  
TIME 3:00 ATTY W. LIN

Signed for by.

Scott Campbell

10/27/2015 9:54:11 AM  
15CV28990

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

5 BRIAN EASON, )  
6 Plaintiff, ) Case No.:  
7 v. ) COMPLAINT FOR DISCRIMINATION  
8 ELMER'S RESTAURANTS, INC., an ) (42 U.S.C. § 1981, 42 U.S.C. § 2000a,  
9 Oregon corporation, ELMER'S ) and RCWA 49.60.030)  
10 FRANCHISE SYSTEMS, INC., an ) NOT SUBJECT TO MANDATORY  
11 Oregon corporation, KARSAN, INC., a ) ARBITRATION  
12 Washington corporation, and SANDRA ) PRAYER: \$100,000  
LEWIS, an individual, ) ORS 21.160(1)(c)  
Defendants. ) JURY TRIAL DEMANDED

Plaintiff demands a jury trial and alleges:

1.

16 Defendants Elmer's Restaurants, Inc., and Elmer's Franchise Systems,  
17 Inc., (hereinafter, "Elmer's Restaurants") are and at all times mentioned herein  
18 have been Oregon corporations engaged in the restaurant business, including  
19 four restaurants located in Multnomah County, Oregon and a restaurant  
20 located at 7105 NE 40<sup>th</sup> St., Vancouver, WA near Andresen Road (hereinafter  
21 "the Andresen Elmer's"). Elmer's Restaurants conducts regular, sustained  
22 business activity in Multnomah County and is headquartered in Multnomah  
23 County.

2.

Defendant Karsan, Inc. (hereinafter, "Karsan") is and at all times mentioned herein has been a Washington corporation engaged in the

1 restaurant business. Karsan owns and operates the Andresen Elmer's, which  
2 is an Elmer's Restaurants franchise. At all times mentioned herein, the agents  
3 and employees of Karsan, including but not limited to Lewis and Hope  
4 mentioned in paragraphs 3 and 4 below, were actual or apparent agents of  
5 Elmer's Restaurants.

6 3.

7 Defendant Sandra Lewis (hereinafter, "Lewis") is and at all times  
8 mentioned herein has been co-owner, president, chairman, and director of  
9 Karsan.

10 4.

11 On or about December 16, 2014, plaintiff was a customer at the  
12 Andresen Elmer's. He had chosen this restaurant because it was not far from  
13 his realty office, and he wanted a quiet place to enjoy breakfast while writing  
14 out Christmas cards for his client list. He was seated at a table and prepared  
15 to order his meal. The waitress, a woman named Hope, took his order, but  
16 demanded that he prepay for his meal. The plaintiff asked why, and the  
17 waitress explained that she was acting on instructions from the owner, a  
18 woman later identified as Lewis. The waitress apologized, acknowledging that  
19 the policy was racist but continuing to demand prepayment. The plaintiff  
20 prepaid as was demanded of him.

21 5.

22 Other customers present in the restaurant that morning, who were  
23 Caucasian, were not required to prepay for their meals.

24 //

25 //

26 //

PAGE 2 - COMPLAINT FOR DISCRIMINATION

KAFOURY & McDougall  
411 SW 2<sup>nd</sup> Ave., Suite 200  
Portland, OR 97204  
Fax: 503-224-2673  
Phone: 503-224-2647

1 FOR A FIRST CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff  
2 alleges:

3 6.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 5,  
5 above.

6 7.

7 Plaintiff is African-American. At all times mentioned herein, plaintiff was  
8 well and appropriately dressed. Plaintiff is employed as a sheriff's deputy in  
9 Multnomah County, and as a realtor.

10 8.

11 The Andresen Elmer's is and at all times mentioned herein has been a  
12 place of public accommodation within the meaning of RCWA 49.60.030. At  
13 least part of the motivation for the above-described conduct by defendant  
14 Elmer's Restaurants' employees and agents was the plaintiff's race.

15 9.

16 The above-described conduct violates RCWA 49.60.030, which prohibits  
17 discrimination in places of public accommodation on account of race.

18 10.

19 As a result of the above-described discrimination, plaintiff suffered loss  
20 of sleep and feelings of racial stigmatization, and continues to suffer, and will  
21 in the future suffer from feelings of racial stigmatization, all to his noneconomic  
22 damages in the amount of \$100,000.

23 11.

24 Plaintiff is entitled to costs and reasonable attorney fees pursuant to  
25 RCWA 49.60.030.

1 FOR A SECOND CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff  
2 alleges:

3 12.

4 Plaintiff realleges and incorporates by reference paragraphs 1 through 7,  
5 above.

6 13.

7 The Andresen Elmer's is and at all times mentioned herein has been a  
8 place of public accommodation within the meaning of 42 U.S.C. § 2000a. At  
9 least part of the motivation for the above-described conduct by defendant  
10 Elmer's Restaurants' employees and agents was the plaintiff's race.

11 14.

12 The above-described conduct violates 42 U.S.C. § 2000a, which prohibits  
13 discrimination in places of public accommodation on account of race.

14 15.

15 Plaintiff is entitled to injunctive relief, along with costs and reasonable  
16 attorney fees pursuant to 42 U.S.C. § 2000a.

17 FOR A THIRD CLAIM FOR RELIEF FOR DISCRIMINATION, plaintiff  
18 alleges:

19 16.

20 Plaintiff realleges and incorporates by reference paragraphs 1 through 7,  
21 above.

22 17.

23 The above-described conduct violates 42 U.S.C. § 1981, which prohibits  
24 interference with the right to make and enforce contracts on account of race.

25 //

26 //

18.

As a result of the above-described discrimination, plaintiff suffered loss of sleep and feelings of racial stigmatization, and continues to suffer, and will in the future suffer from feelings of racial stigmatization, all to his noneconomic damages in the amount of \$100,000.

19.

Plaintiff is entitled to costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

20.

Plaintiff is entitled to punitive damages.

WHEREFORE, plaintiff prays for judgment against defendants in the amount of \$100,000 in noneconomic damages, for punitive damages, for reasonable attorney fees pursuant to 42 U.S.C. § 1981 and RCWA 49.60.030, for injunctive relief and reasonable attorney fees pursuant to 42 U.S.C. § 2000a, and for costs and disbursements necessarily incurred herein.

Dated: October 26, 2015.

/s/ *Mark McDougal*

---

Gregory Kafoury, OSB #741663  
kafoury@kafourymcdougal.com  
Mark McDougal, OSB # 890869  
mcdougal@kafourymcdougal.com  
Jason Kafoury, OSB #091200  
jkafoury@kafourymcdougal.com  
Attorneys for Plaintiff

RECEIVED  
Process NOV 13 2015  
Service LANE POWELL PC  
TIME 3.00 ATTY W. LIN

Signed for by.

Scott Campbell

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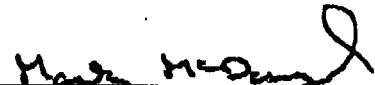
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Mark McDougal, OSB No. 890869  
ATTORNEY'S/AUTHOR'S NAME and BAR NO.  
Kafoury & McDougal  
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Portland OR 97204 (503) 224-2647

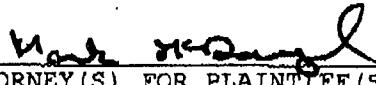
  
ATTORNEY(S) FOR PLAINTIFF(S)

EXHIBIT 2

10/27/2015 9:54:11 AM  
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TIME 10:58 ATTY W Lin  
Received via Fax

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FOR THE COUNTY OF MULTNOMAH

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Plaintiff,

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FRANCHISE SYSTEMS, INC., an  
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Washington corporation, and SANDRA  
LEWIS, an individual,

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and RCWA 49.60.030)

} NOT SUBJECT TO MANDATORY  
ARBITRATION

} PRAYER: \$100,000  
ORS 21.160(1)(c)

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26 PAGE 3 - COMPLAINT FOR DISCRIMINATION

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PAGE 4 - COMPLAINT FOR DISCRIMINATION

KAFOURY & McDUGAL  
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Portland, OR 97204  
Fax: 503-224-2673  
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Dated: October 26, 2015.

/s/ *Mark McDougal*

Gregory Kafoury, OSB #741663  
kafoury@kafourymcdougal.com  
Mark McDougal, OSB # 890869  
mcdougal@kafourymcdougal.com  
Jason Kafoury, OSB #091200  
jkafoury@kafourymcdougal.com  
Attorneys for Plaintiff

**PAGE 5 - COMPLAINT FOR DISCRIMINATION**

**KAFOURY & McDougall**  
411 SW 2nd Ave., Suite 200  
Portland, OR 97204  
Fax: 503-224-2673  
Phone: 503-224-2642

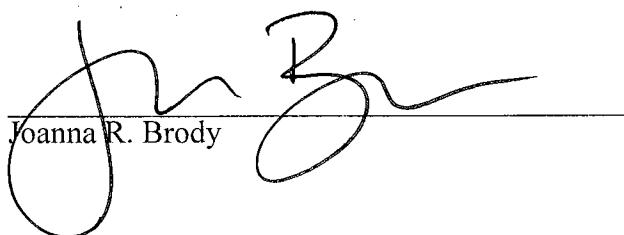
**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2015, I caused to be served a copy of the foregoing DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF REMOVAL on the following person(s) in the manner indicated below at the following address(es):

Gregory Kafoury, Esq.  
Mark Gillis McDougal, Esq.  
*mcdougal@kafourymcdougal.com*  
Jason Llewellyn Kafoury, Esq.  
Kafoury & McDougal  
411 SW Second Avenue, Suite 200  
Portland, OR 97204-3408

Elizabeth E. Lampson, Esq.  
*elampson@davisrothwell.com*  
Davis Rothwell Earle & Xochihua P.C.  
111 Southwest Fifth Avenue, Suite 2700  
Portland, Oregon 97205-3650

- by CM/ECF
- by Electronic Mail
- by Facsimile Transmission
- by First Class Mail
- by Hand Delivery
- by Overnight Delivery



Joanna R. Brody

PAGE 4 - DEFENDANTS KARSAN, INC. AND SANDRA LEWIS'S NOTICE OF REMOVAL